

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

z4 Technologies, Inc.,

Plaintiff,

vs.

**Microsoft Corporation and
Autodesk, Inc.**

Defendants.

HONORABLE Leonard Davis

CIVIL ACTION NO. 6:06-cv-00258

JURY TRIAL DEMANDED

**z4's OPPOSITION TO DEFENDANTS'
MOTION FOR STAY PENDING APPEAL**

Defendants assert their motion to stay should be granted because *z4 I* will be reversed or at best partially affirmed.¹ (Defendants' Brief at 1, 2.) Implicitly, defendants assert that a stay postpones the inevitable because the jury and the Court got *z4 I* wrong. Defendants' self-proclamation of victory on appeal is not a basis to stay the present case.

In addition, Microsoft has asserted that it will have new versions of the adjudicated products on the market as early as October 2006 that do not infringe *z4's* patents.² In light of this representation, *z4* believes no stay is necessary during the short time before

¹ For all their bravado, defendants have not yet appealed *z4 I*. Accordingly, as of right now, the chances of defendants winning on appeal are zero.

² "The next generation releases of Microsoft Windows® and Microsoft Office® software — Windows Vista (2007) and Office 2007 (October 2006) — will have removed the allegedly infringing technology completely." (Doc. No. 347, p. 1.)



Microsoft releases its new versions. As soon as the new versions are released, z4 can determine whether they continue to infringe the z4 patents.

Accordingly, z4 asks the Court to deny defendants' motion to stay this lawsuit.

Date: **September 6, 2006**

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on September 6, 2006, I electronically filed the foregoing **z4's OPPOSITION TO DEFENDANTS' MOTION FOR STAY PENDING APPEAL** with the Clerk of the Court for the Eastern District of Texas using the ECF System which will send notification to the following registered participants of the ECF System as listed on the Court's Notice of Electronic Filing: Jennifer Parker Ainsworth, Cindy Marie Allen, Frank A. Angileri, Matthew C. Bernstein, Ernie L. Brooks, John A. Dragseth, Isabella Fu, Allen Franklin Gardner, John E. Gartman, Michael Edwin Jones, Elton Joe Kendall, John S. LeRoy, Thomas A. Lewry, John E. Nemazi, Robert M. Parker, Seth M. Sproul, Robert C.J. Tuttle, Thomas J. Ward, Jr. I also certify that I have mailed by United States Postal Service the paper to the following non-participants in the ECF System:

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An additional copy has been sent via overnight mail to:

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Respectfully submitted,

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